

WASHINGTON — Today, the Subcommittee on Elections, led by Chairwoman Zoe Lofgren, D-Calif., and Subcommittee Ranking Republican Kevin McCarthy, R-Calif., received testimony from witnesses expressing concern over regulations that would prohibit pre-recorded calls from telemarketers and political campaigns, commonly referred to as robo-calls. According to witnesses testifying before the Subcommittee, any regulations aimed at preventing deceptive campaign tactics should safeguard a Member's ability to communicate with his constituents, and protect rights guaranteed by the First Amendment.

Witnesses testifying before the Subcommittee cautioned against any attempt to create regulations that would define and prohibit deceptive practices, claiming that it would infringe on the First Amendment rights of multiple organizations, including charitable groups. According to the testimony submitted by Mr. John F. Cooney, a Partner at Venable LLP, a Washington, D.C. firm specializing in First Amendment rights, "it would be unconstitutional for Congress to adopt a 'time, place or manner' restriction on prerecorded political communications, while purporting to exempt prerecorded similar speech by the Red Cross or a charitable organization from such a restriction." Cooney cautioned, "the Subcommittee should bear this practical consequence in mind if it considers any new restrictions under this rationale."

Founder of Tele-Town Hall LLC, Rodney Smith, raised concerns with state laws that currently, and possibly unintentionally, eliminate an elected official's ability to conduct tele-town hall meetings, an elected official-constituent meeting facilitated via automated telecommunication technology. According to Smith, both existing and pending state laws are hyper-focused on the automated aspect of the call. Therefore, state laws aimed at prohibiting telemarketing robo-calls also prohibit tele-town halls.

Although today's witnesses expressed concern over overly prescriptive restrictions on robo-calls, several reacted favorably to a solution introduced by Rep. Virginia Foxx, R-N.C., H.R. 248, the Robo-Calls Off Phones (Robo COP) Act. If passed, H.R. 248 would direct the Federal Trade Commission (FTC) to

revise the current do-not-call registry to include politically-oriented automated telephone calls.

For more information, contact the Republican Committee press office at (202) 225-8281.